

# KIRKLAND & ELLIS LLP

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August 13, 2020

## Via ECF

Hon. Kiyo A. Matsumoto  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Overtime Sports, Inc. v. Dick's Sporting Goods, Inc. et al.*, Case No. 1:20-cv-03401

Dear Judge Matsumoto:

We represent Dick's Sporting Goods, Inc. and its affiliate, American Sports Licensing, LLC (collectively, "DSG") in the above-referenced action. We write pursuant to the Court's Order, dated August 12, 2020.

In light of Your Honor's recommendation that the parties also attempt to settle this case, DSG is amenable to having this matter referred to Magistrate Judge Pollak for a settlement conference, as Your Honor suggested. Plaintiff's counsel will confer on that issue as well. Absent a settlement, the deadline for DSG to respond to the complaint remains September 29, 2020.

In addition, in order to allow the Court to have a more complete record before ruling on Plaintiff's request for a preliminary injunction, DSG has decided to defer the opening of new stores with the name "Overtime by Dick's Sporting Goods" (including in Tempe, Arizona), pending expedited bilateral discovery and the disposition of Plaintiff's motion for a preliminary injunction. This morning, we proposed to Plaintiff's counsel the schedule below for expedited discovery and further briefing in connection with Plaintiff's motion for preliminary injunction, which we then discussed by phone, as well as potential parameters for a more truncated schedule that Plaintiff may prefer.

Last Day to Serve Targeted Document Demands	August 17, 2020
Deadline for Service of Document Productions	August 31, 2020
Motion for Preliminary Injunction	September 15, 2020
Deadline for Completion of Depositions of Plaintiff's Declarants and/or 30(b)(6) Witness	October 6, 2020

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Opposition to Preliminary Injunction	October 23, 2020
Deadline for Completion of Depositions of Defendants' Declarants and/or 30(b)(6)	November 11, 2020
Hearing (without live witnesses)	November 17, 2020
Hearing (with live witnesses)	November 24, 2020

Plaintiff's counsel plans to further consider a schedule, and the parties plan to reconvene by phone this afternoon to discuss, in the hopes of providing a joint proposed schedule for expedited discovery and further briefing in connection with Plaintiff's motion later today or tomorrow.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,



Johanna Schmitt

cc: Counsel of Record